

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,231

In re: 5000-5010 A Street, S.E.

Ward Seven (7)

KOUADIO F. KOUASSI
Tenant/Appellant

v.

DUDLEY PRO REALTY, LLC
Housing Provider/Appellee

ORDER ON MOTION FOR EXTENSION OF TIME TO FILE BRIEF

August 8, 2008

YOUNG, CHAIRPERSON. On July 1, 2008, Morris R. Battino, Esquire, filed a motion for extension of time to file the tenant's brief, which was due on July 7, 2008.¹ The Commission's hearing is scheduled for October 16, 2008. Counsel stated two (2) reasons for the request, first the delay in receiving transcripts of the Rent Administrator's hearings; and second, counsel's (a solo practitioner) prior court commitments. Counsel requested until August 22, 2008 to file the brief. There was no opposition to the motion.

The Commission's rule on continuance, 14 DCMR § 3815.1-3 (2004), states:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

Motions shall set forth good cause for the relief requested.

¹ The Commission's rule, 14 DCMR § 3802.7 (2004) provides: "Parties may file briefs in support of their position within five (5) days of receipt of notification that the record in the matter has been certified."

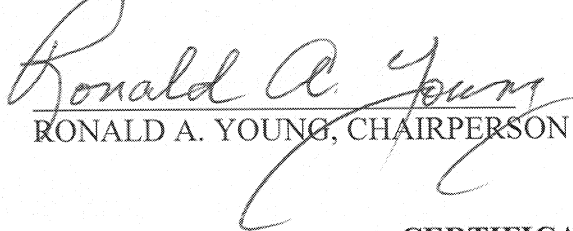
Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause for continuance unless set forth promptly after notice of the hearing has been given.

Metropolitan Baptist Church v. District of Columbia Dep't of Consumer and Regulatory Affairs, 718 A.2d 119 (D.C. 1998), states the factors for consideration for a continuance are: 1) the reasons for the continuance (or extension of time, as in this case), 2) the prejudice resulting from the denial, 3) the party's diligence in seeking relief, 4) any lack of good faith, 5) and prejudice to the opposing party, citing Daley v. United States, 739 A.2d 814 (D.C. 1999), cited in Nezhadessivandi v. Ayers, TP 25,091 (RHC May 28, 2002).

Upon consideration of the factors for the extension of time, the Commission determined that the reasons for the extension of time, the delay in receiving transcripts from the Rent Administrator's hearing, and commitments of counsel, were reasons that were not so unusual that it could not be accepted. Accordingly, the Commission accepts the reason as good cause for the extension of time. 14 DCMR § 3815.2 (2004). The prejudice from the denial of the motion would be the Commission's loss of explanations in the brief of the Tenant's positions in this appeal. As to diligence, counsel for the Tenant was diligent in filing the motion before the brief was due. The record does not show a lack of good faith.

After consideration of the factors for a continuance or extension of time and the Commission rules, the motion for extension of time to file the Tenant's brief on August 22, 2008 is **GRANTED**.

SO ORDERED.


RONALD A. YOUNG, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER ON MOTION TO EXTEND TIME TO FILE BRIEF** in TP 28,231 was mailed by priority mail, with confirmation of delivery, postage prepaid, this **8th day of August, 2008**, to:

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